

### Remarks

Applicants respectfully requests entry of the amendments and remarks submitted herein. Claims 1, 5-6, 19, and 30-68 are cancelled. Claim 69 is newly added. Claims 2, 7-14, 16-18, 20-21, 23-24 and 26 are currently amended. Therefore, claims 2-4, 7-18, 20-29 and 69 are currently pending. The amendments to the claims are supported by the originally filed claims. New claim 69 is supported by originally filed claims 1, 14, and 15.

The examiner indicated that claims 15, 18 and 20 were objected to as being dependent upon a rejected claim, but would be allowable if rewritten in independent form to include all of the limitations of the claims upon which each is currently dependent.

Further, the examiner indicated in the previous office action that claims 7, 11, 15, 18 and 20 were free of the cited art. The rejection under 35 U.S.C. § 102(e) was extended to claims 7 and 11 in response to applicants' amendment. Claim 7 has been amended to remove the limitation that was added in the response to the previous action, and have been rewritten in independent form to include all of the limitations of the claims upon which each was previously dependent. Claim 7 is now in condition for allowance. Claim 11 has been amended to remove the limitation that was added in the response to the previous action. Further, claims 11, 15 and 18 depend directly or indirectly from claim 7. Therefore, claims 11, 15 and 18 are also in condition for allowance.

Claim 20 has been rewritten in independent form to include all of the limitations of the claim upon which each it was previously dependent. Claim 20 is now in condition for allowance.

The remaining pending claims have been amended to depend from one of these allowable claims, and therefore are also in condition for allowance.

### The 35 U.S.C. §102 Rejections

Claims 1, 5-7, 11-14, 16-17, 19, and 23-29 stand rejected under 35 U.S.C. 102(e) as being anticipated by Plaetinck *et al.* (U.S. 2003/0061626 A1, parent application filed on July 2, 1999, and published on March 27, 2003).

Plaetinck *et al.* do not teach or suggest a double-stranded RNA expression vector comprising a double-stranded designated DNA sequence of interest from a protist, wherein the designated DNA sequence is an essential gene from a protist (claim 7), or wherein the expression vector further comprises a vector backbone, wherein the backbone is a *Trypanosoma*, a *Leishmania*, a *Toxoplasma*, or a *Plasmodia* expression vector (claim 20), or wherein the designated DNA sequence of interest obtained from a protist (claim 69).

Accordingly, withdraw of the rejection of the claims under 35 U.S.C. § 102(e) is appropriate and is respectfully requested.

#### 35 U.S.C. §103 Rejection

Claims 2-4, 8-10, and 21-22 are rejected under 35 U.S.C. §103(a) as being unpatentable over Plaetinck et al (U.S. 2003/0061626 A1) in view of Ngo *et al.*

As discussed above, the Plaetinck *et al.* publication does not teach or suggest all of the features of the claimed invention. Ngo *et al.* does not remedy the deficiencies of Plaetinck *et al.* Ngo *et al.* do not teach or suggest a double-stranded RNA expression vector comprising a double-stranded designated DNA sequence of interest from a protist, wherein the designated DNA sequence is an essential gene from a protist (claim 7), or wherein the expression vector further comprises a vector backbone, wherein the backbone is a *Trypanosoma*, a *Leishmania*, a *Toxoplasma*, or a *Plasmodia* expression vector (claim 20), or wherein the designated DNA sequence of interest obtained from a protist (claim 69).

Even when combined Plaetinck *et al.* and Ngo *et al.* do not teach or suggest all the claim limitations (M.P.E.P. § 2143). Therefore, a *prima facie* case of obviousness has not been established. Withdrawal of the rejection under 35 U.S.C. § 103(a) is therefore respectfully requested.

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The 35 U.S.C. §112 Rejection

Claim 5 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 5 has been cancelled, thereby rendering this rejection moot.

CONCLUSION

Applicants respectfully submit that the pending claims are in condition for allowance, and request that a Notice of Allowance be issued. The Examiner is invited to telephone the undersigned attorney at 612-336-3540 if that would assist in furthering the prosecution of this application. Enclosed is a check in the amount of \$375 (\$165 for the Notice of Appeal fee and \$210 for a Petition for Two-month Extension of Time fee). Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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